

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

MICHAEL KAADY,

Plaintiff,

v.

**OFFICER ROBEL SHIFERAW,
NICOLE JERGOVIC HARRIS, District
Attorney, OFFICER SABRINA DOBBS,
and PORTLAND POLICE BUREAU,**

Defendants.

Case No. 3:21-cv-00966-AR

ORDER ADOPTING F&R

Bruce L. Campbell, Miller Nash LLP, 111 SW Fifth Avenue, Suite 3400, Portland, OR 97204.
Attorney for Plaintiff.

Daniel A. Simon, Portland City Attorney's Office, 1221 SW 4th Avenue, Suite 430, Portland,
OR 97204. Attorney for Defendants Officer Robel Shiferaw, Officer Sabrina Dobbs, and
Portland Police Bureau.

Eliot Thompson, Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301.
Attorney for Defendant Nicole Jergovic Harris.

IMMERGUT, District Judge.

On May 11, 2023, Magistrate Judge Jeff Armistead issued his Findings and
Recommendation ("F&R"), ECF 67, recommending that Defendant Nicole Jergovic Harris's
Motion to Dismiss, ECF 48, be GRANTED and Defendants Officer Robel Shiferaw, Officer

Sabrina Dobbs, and Portland Police Bureau's Motion to Dismiss, ECF 40, be GRANTED IN PART and DENIED IN PART. No party filed objections. This Court ADOPTS Judge Armistead's F&R.

STANDARDS

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

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CONCLUSION

No party having filed objections, this Court has reviewed the F&R, ECF 67, and accepts Judge Armistead's conclusions. Judge Armistead's F&R, ECF 67, is adopted in full. Accordingly, this Court GRANTS Defendant Nicole Jergovic Harris's Motion to Dismiss, ECF 48, and GRANTS IN PART AND DENIES IN PART Defendants Officer Robel Shiferaw, Officer Sabrina Dobbs, and Portland Police Bureau's Motion to Dismiss, ECF 40.

IT IS SO ORDERED.

DATED this 23rd day of June, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge